

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION

PENN-AMERICA INSURANCE
COMPANY,
Plaintiff,

v.

SETH CUMMINGS, RICKY
WILLIAMS,
Defendants.

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MO:22-CV-00157-DC

ORDER

Before the Court is the report and recommendation¹ from United States Magistrate Judge Ronald C. Griffin concerning Penn-America Insurance Company's Motion for Default Judgment.² Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Griffin issued his R&R on September 19, 2023.³ No party has filed objections, and the deadline to do so has expired.

Any party who desires to object to a Magistrate Judge's findings and recommendations must serve and file written objections within fourteen days after being served with a copy of the findings and recommendations.⁴ Failure to file written objections

¹ ECF No. 43

² ECF No. 38.

³ ECF No. 43.

⁴ 28 U.S.C. § 636(b)(1).

to the R&R within fourteen days after being served with a copy shall bar that party from *de novo* review by the district court of the proposed findings and recommendations.⁵

What's more, except upon grounds of plain error, it shall also bar the party from appellate review of proposed factual findings and legal conclusions accepted by the district court to which no objections were filed.⁶

Having reviewed the R&R, the Court finds it neither clearly erroneous nor contrary to law. Accordingly, the Court **ADOPTS** the R&R⁷ and **GRANTS** Penn-America's motion for default judgment⁸

It is therefore **ORDERED** that Penn-America's Motion for Default Judgment be **GRANTED**.⁹

It is so **ORDERED**.

SIGNED this 12th day of October, 2023.

A handwritten signature in black ink, appearing to read 'David Counts', with a stylized star-like flourish at the end.

DAVID COUNTS
UNITED STATES DISTRICT JUDGE

⁵ *Id.*

⁶ *Id.*; *Thomas v. Arn*, 474 U.S. 140, 150–53 (1985); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989) (per curiam).

⁷ ECF No. 43.

⁸ ECF NO 38.

⁹ *Id.*